

104TH CONGRESS  
2D SESSION

# S. 1672

To make various changes to laws affecting the management and operations of the Department of Defense, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 16, 1996

Mr. THURMOND (for himself and Mr. NUNN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To make various changes to laws affecting the management and operations of the Department of Defense, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. USE OF DOD WARSAW INITIATIVE FUNDS IN**  
4 **SUPPORT OF THE REGIONAL AIRSPACE INI-**  
5 **TIATIVE AND THE PARTNERSHIP FOR PEACE**  
6 **INFORMATION MANAGEMENT SYSTEM.**

7 In addition to purposes authorized by section 2010  
8 of title 10, United States Code, funds appropriated pursu-  
9 ant to the authorizations for the Warsaw Initiative and

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1 the Partnership for Peace may be used to assist in the  
 2 implementation of the Regional Airspace Initiative and the  
 3 Partnership for Peace Information Management System,  
 4 including the procurement of items in support of such pro-  
 5 grams and transfer of such items to participating coun-  
 6 tries.

7 **SEC. 2. AUTHORIZED STRENGTHS: COMMISSIONED OFFI-**  
 8 **CERS ON ACTIVE DUTY IN GRADES OF**  
 9 **MAJOR, LIEUTENANT COLONEL, AND COLO-**  
 10 **NEL AND NAVY GRADES OF LIEUTENANT**  
 11 **COMMANDER, COMMANDER, AND CAPTAIN.**

12 (a) REVISION IN THE ARMY, AIR FORCE, AND MA-  
 13 RINE CORPS AUTHORIZED STRENGTH LIMITATIONS.—  
 14 The table in paragraph (1) of section 523(a) of title 10,  
 15 United States Code, is amended to read as follows:

Total number of commissioned officers (exclud- ing officers in categories specified in subsection (b) on active duty:	Number of officers who may be serving on ac- tive duty in the grade of—		
	Major	Lieutenant Colonel	Colonel
Army:			
35,000 .....	8,922	6,419	2,163
40,000 .....	9,614	6,807	2,347
45,000 .....	10,305	7,196	2,530
50,000 .....	10,997	7,584	2,713
55,000 .....	11,688	7,973	2,897
60,000 .....	12,380	8,361	3,080
65,000 .....	13,071	8,750	3,264
70,000 .....	13,763	9,138	3,447
75,000 .....	14,454	9,527	3,631
80,000 .....	15,146	9,915	3,814
85,000 .....	15,837	10,304	3,997
90,000 .....	16,529	10,692	4,181
95,000 .....	17,220	11,081	4,364
100,000 .....	17,912	11,469	4,548
110,000 .....	19,295	12,246	4,915
120,000 .....	20,678	13,023	5,281
Air Force:			
35,000 .....	9,216	7,090	2,125
40,000 .....	10,025	7,478	2,306
45,000 .....	10,835	7,866	2,487
50,000 .....	11,645	8,253	2,668

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of—		
	Major	Lieutenant Colonel	Colonel
55,000 .....	12,454	8,641	2,849
60,000 .....	13,264	9,029	3,030
65,000 .....	14,073	9,417	3,211
70,000 .....	14,883	9,805	3,392
75,000 .....	15,693	10,193	3,573
80,000 .....	16,502	10,582	3,754
85,000 .....	17,312	10,971	3,935
90,000 .....	18,121	11,360	4,115
95,000 .....	18,931	11,749	4,296
100,000 .....	19,741	12,138	4,477
110,000 .....	21,360	12,915	4,838
120,000 .....	22,979	13,692	5,200
Marine Corps:			
10,000 .....	2,525	1,480	571
12,500 .....	2,900	1,600	592
15,000 .....	3,275	1,720	613
17,500 .....	3,650	1,840	633
20,000 .....	4,025	1,960	654
22,500 .....	4,400	2,080	675
25,000 .....	4,775	2,200	695

1 (b) REVISION IN THE NAVY AUTHORIZED STRENGTH  
2 LIMITATIONS.—The table in paragraph (2) of section  
3 523(a) of title 10, United States Code, is amended to read  
4 as follows:

Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of—		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000 .....	7,331	5,018	2,116
33,000 .....	7,799	5,239	2,223
36,000 .....	8,267	5,460	2,330
39,000 .....	8,735	5,681	2,437
42,000 .....	9,203	5,902	2,544
45,000 .....	9,671	6,123	2,651
48,000 .....	10,139	6,343	2,758
51,000 .....	10,606	6,561	2,864
54,000 .....	11,074	6,782	2,971
57,000 .....	11,541	7,002	3,078
60,000 .....	12,009	7,222	3,185
63,000 .....	12,476	7,441	3,292
66,000 .....	12,944	7,661	3,398
70,000 .....	13,567	7,954	3,541
90,000 .....	16,683	9,419	4,254

5 (c) EFFECTIVE DATE AND APPLICABILITY.—The  
6 amendments made by subsections (a) and (b) of this sec-

1 tion shall become effective September 1, 1997. With the  
2 approval of the Secretary of Defense, if funds are available  
3 for such purposes, the Secretary of a Military Department  
4 may implement such amendments at an earlier date fol-  
5 lowing the date of enactment of this Act.

6 **SEC. 3. AGREEMENTS FOR SERVICES OF OTHER AGENCIES**  
7 **IN SUPPORT OF ENVIRONMENTAL TECH-**  
8 **NOLOGY DEMONSTRATION AND VALIDATION.**

9 The Secretary of Defense is authorized to enter into  
10 procurement contracts, grants or cooperative agreements  
11 on a reimbursable or other basis with any State or local  
12 government agency to obtain the services of that agency  
13 to assist the Department in demonstrating and validating  
14 environmental technologies. Services that may be obtained  
15 using this authority include (but are not limited to) data  
16 gathering and analysis, and technical assistance in con-  
17 ducting a demonstration, including implementation of  
18 quality assurance and quality control programs. The Sec-  
19 retary may pay reasonable, nondiscriminatory service  
20 charges provided the charge does not exceed the actual  
21 or estimated cost of providing the service. To effectuate  
22 the purposes of this section, the Department need not  
23 comply with the provisions of the Federal Grant and Coop-  
24 erative Agreement Act of 1977 (31 U.S.C. 6301–6308)  
25 requiring the use of a procurement contract to acquire

1 services for the direct benefit of the United States Govern-  
2 ment, but must otherwise comply with Departmental regu-  
3 lations and Office of Management and Budget guidance  
4 respecting the use and administration of grants and coop-  
5 erative agreements.

6 **SEC. 4. AUTHORITY FOR FOREIGN MILITARY SALES TO THE**  
7 **GOVERNMENT OF HAITI.**

8 The Government of Haiti is eligible to purchase de-  
9 fense articles and services under the Arms Export Control  
10 Act (22 U.S.C. 2751, et seq.), except as otherwise specifi-  
11 cally stated in law.

12 **SEC. 5. FOUNDATION GENEVA CENTRE FOR SECURITY POL-**  
13 **ICY.**

14 (a) **AUTHORITY.**—The Secretary of Defense may par-  
15 ticipate in the Foundation Geneva Centre for Security Pol-  
16 icy, including the sharing of costs proportional to United  
17 States use of the Centre, and may send as many civilians  
18 as directors, deans, professors, scholars, instructors, re-  
19 searchers, and lecturers at the Foundation Geneva Centre  
20 for Security Policy as the Secretary considers necessary.

21 (b) **COMPENSATION.**—The compensation of persons  
22 employed under this section shall be as prescribed by the  
23 Secretary of Defense.

1 **SEC. 6. REPEAL OF LIMITATION ON USE OF APPROPRIATED**  
 2 **FUNDS TO INFLUENCE CERTAIN FEDERAL**  
 3 **CONTRACTING AND FINANCIAL TRANS-**  
 4 **ACTIONS.**

5 (a) IN GENERAL.—Section 1352 of title 31, United  
 6 States Code, entitled “Limitation on use of appropriated  
 7 funds to influence certain Federal contracting and finan-  
 8 cial transactions” is repealed.

9 (b) CLERICAL AMENDMENT.—The table of sections  
 10 at the beginning of chapter 13 of such title 31 is amended  
 11 by striking the item relating to section 1352.

12 **SEC. 7. REFINEMENTS TO THIRD PARTY COLLECTION AND**  
 13 **CHAMPUS DOUBLE COVERAGE PROGRAMS.**

14 (a) EXPANSION OF COLLECTION AUTHORITIES.—  
 15 Section 1095 of title 10, United States Code, is amend-  
 16 ed—

17 (1) in subsection (g)(1), by inserting after “pro-  
 18 vided at” “or through”;

19 (2) in subsection (h)(1), by inserting before the  
 20 period at the end of the first sentence the following:  
 21 “and a workers’ compensation program or plan”;  
 22 and

23 (3) in subsection (h)(2)—

24 (A) by striking “and” substituting in lieu  
 25 thereof a comma;

1 (B) by inserting before the period at the  
2 end “, and personal injury protection or medical  
3 payments benefits in cases involving personal  
4 injuries resulting from operation of a motor ve-  
5 hicle”.

6 (b) INCLUSION OF THIRD PARTY PAYER IN COLLEC-  
7 TION EFFORTS.—Section 1079(j)(1) of title 10, United  
8 States Code, is amended by inserting after “or health  
9 plan” “, including any plan offered by any third party  
10 payer (as defined in section 1095(h)(1)),”.

11 **SEC. 8. CONTRIBUTIONS TO CAPITAL OF A CORPORATION.**

12 Section 118(b) of the Internal Revenue Code is  
13 amended as follows:

14 (1) by inserting “(1)” immediately before “does  
15 not”; and

16 (2) by striking the period at the end and insert-  
17 ing in lieu thereof: “; but (2) does include the trans-  
18 fer of a Department of Defense owned utility sys-  
19 tem, in whole or in part, and any associated funds  
20 or utility connection fees.”.

21 **SEC. 9. INCREASE IN THE PENALTIES FOR CERTAIN TRAF-  
22 FIC OFFENSES ON FEDERAL PROPERTY.**

23 Section 4 of the Act of June 1, 1948 (40 U.S.C.  
24 318e) is amended to read as follows:

1           “SEC. 4. Whoever shall violate any rule or regulation  
2 promulgated pursuant to section 2 of this Act shall be  
3 fined in accordance with title 18, United States Code.”.

4 **SEC. 10. STREAMLINING AND SIMPLIFYING CHILD SUP-**  
5 **PORT AND ALIMONY GARNISHMENT PROC-**  
6 **ESSING.**

7           Section 459 of the Social Security Act (42 U.S.C.  
8 659) is amended by revising subsection (b) to read as fol-  
9 lows:

10           “METHODS OF SERVICE OF LEGAL PROCESS

11           “(b) Service of legal process brought for the enforce-  
12 ment of an individual’s obligation to provide child support  
13 or to make alimony payments may be accomplished by fac-  
14 simile or electronic transmission, mail, or by personal serv-  
15 ice upon the appropriate agent designated for receipt of  
16 such service of process pursuant to regulations promul-  
17 gated pursuant to section 461 of this Act (or, if no agent  
18 has been designated for the governmental entity having  
19 payment responsibility for the moneys involved, then upon  
20 the head of such governmental entity). Such process shall  
21 be accompanied by sufficient data to permit prompt identi-  
22 fication of the individual obligor and the moneys involved.  
23 Such data shall include the individual obligor’s Social Se-  
24 curity Number, if available.”.

1 **SEC. 11. ELIMINATION OF REQUIREMENT TO COMPLETE**  
2 **ENVIRONMENTAL REMEDIAL INVESTIGA-**  
3 **TIONS AND FEASIBILITY STUDIES AT CLOS-**  
4 **ING BASES.**

5 Section 334 of the National Defense Authorization  
6 Act for Fiscal Years 1992 and 1993 (Public Law 102-  
7 190; 10 U.S.C. 2687 note) is hereby repealed.

8 **SEC. 12. PAYMENTS OF STIPULATED PENALTIES ASSESSED**  
9 **UNDER CERCLA.**

10 The Secretary of Defense may pay from funds appro-  
11 priated pursuant to section 2703 of title 10, United States  
12 Code:

13 (1) To the Hazardous Substance Superfund es-  
14 tablished under section 9507 of the Internal Reve-  
15 nue Code of 1986 (26 U.S.C. 9507) stipulated civil  
16 penalties assessed under the Comprehensive Envi-  
17 ronmental Response, Compensation, and Liability  
18 Act of 1980 (42 U.S.C. 9601 et seq.) in amounts as  
19 follows:

20 (A) Not more than \$34,000 assessed  
21 against the United States Army at Fort Riley,  
22 Kansas, under such Act.

23 (B) Not more than \$55,000 assessed  
24 against the Massachusetts Military Reservation,  
25 Massachusetts, under such Act.

1 (C) Not more than \$10,000 assessed  
2 against the F.E. Warren Air Force Base, Wyo-  
3 ming, under such Act.

4 (D) Not more than \$30,000 assessed  
5 against the Naval Education and Training Cen-  
6 ter Newport, Rhode Island, under such Act.

7 (E) Not more than \$37,500 assessed  
8 against Lake City Army Ammunition Plant,  
9 under such Act.

10 (2) To accomplish two environmental restora-  
11 tion projects at a total cost not to exceed \$500,000,  
12 as part of a negotiated agreement in lieu of stipu-  
13 lated penalties assessed under the Comprehensive  
14 Environmental Response, Compensation, and Liabil-  
15 ity Act of 1980 (42 U.S.C. 9601 et seq.) against the  
16 Massachusetts Military Reservation, Massachusetts.

17 **SEC. 13. AVIATION AND VESSEL WAR RISK INSURANCE.**

18 (a) FINDINGS.—(1) The augmentation of the Defense  
19 Transportation System, with privately owned commercial  
20 aircraft and vessels, is essential for the rapid mobilization  
21 of United States forces to meet contingencies occurring  
22 anywhere in the world.

23 (2) The inability of the owners of privately owned air-  
24 craft and vessels to obtain commercial insurance on rea-  
25 sonable terms and conditions is a significant impediment

1 to the utilization of commercial aircraft and vessels during  
2 such contingencies. This was recognized with the creation  
3 of government insurance funds pursuant to chapter 443  
4 of title 49 of the United States Code, and title XII of the  
5 Merchant Marine Act, 1936.

6 (3) The costs associated with the loss of a new air-  
7 craft or vessel and potential liabilities to third parties have  
8 exceeded the amounts available in the insurance funds and  
9 threaten to jeopardize what heretofore have been ex-  
10 tremely cost effective programs of the Department of  
11 Transportation for the Department of Defense. Financial  
12 constraints may force some commercial transportation  
13 carriers to forgo participation, especially in aviation pro-  
14 grams, unless commercial insurance practices regarding  
15 timeliness of payment can be met.

16 (4) Through an agreement authorized by the above  
17 statutes, the Department of Defense has agreed to indem-  
18 nify the Department of Transportation for losses incurred  
19 on contractor missions.

20 (b) PURPOSES.—The purposes of this section are as  
21 follows:

22 (1) To provide means for timely payment of  
23 claims by the Department of Transportation and  
24 timely reimbursement of the Aviation Insurance  
25 Fund and the Marine Insurance Fund by the De-

1       partment of Defense to cover losses that may be in-  
2       curred by commercial carriers supporting the na-  
3       tional interests contemplated by chapter 443 of title  
4       49, United States Code, and by title XII of the Mer-  
5       chant Marine Act, 1936.

6               (2) To establish a mechanism for congressional  
7       monitoring of the claims program, should the need  
8       arise for direct involvement by Congress.

9       (c) AVIATION WAR RISK INSURANCE—REPAYMENT  
10      FOR LOSSES TO THE TRANSPORTATION INSURANCE  
11      FUNDS.—Section 44305 of title 49, United States Code,  
12      is amended by adding at the end the following new sub-  
13      section:

14       “(c)(1) The Secretary of Defense is authorized to  
15      transfer, from any funds available to the Department of  
16      Defense regardless of the purpose of the funds to be trans-  
17      ferred, such sums as may be necessary to reimburse the  
18      Administrator of the Federal Aviation Administration  
19      under the provisions of this title to pay for the loss or  
20      damage of civil aircraft, death or injury to personnel, and  
21      losses or damage caused by or associated therewith, which  
22      have been insured at the request of the Secretary of De-  
23      fense. Such transfer authority shall be in addition to any  
24      other statutory transfer authority and shall be made with-  
25      out regard to any dollar limitations contained therein.

1 Such transfers will be merged with the amounts in the  
2 Aviation Insurance Fund.

3       “(2) The Secretary of Defense shall promptly reim-  
4 burse the Aviation Insurance Fund. Such reimbursement  
5 to the Aviation Insurance Fund shall not be subject to  
6 the notification or delay requirements contained in other  
7 statutes and shall be made not later than 30 days follow-  
8 ing the presentation to the Administrator of the Federal  
9 Aviation Administration of a claim for the loss or damage  
10 to the hull, and not later than 180 days for all other valid  
11 claims as determined by the Administrator of the Federal  
12 Aviation Administration. Consolidation of claims is not re-  
13 quired.

14       “(3) The Secretary of Defense and the Administrator  
15 of the Federal Aviation Administration shall notify Con-  
16 gress as soon after the occurrence of loss as possible, and  
17 in no event more than 30 days, from the occurrence of  
18 damage or loss to aircraft or equipment, injury or death  
19 of personnel, and loss or damage caused by or associated  
20 therewith, for amounts in excess of one million dollars, in-  
21 sured by the Aviation Insurance Fund pursuant to an in-  
22 demnifying agreement between the Secretary of Defense  
23 and the Secretary of Transportation. Updates as to the  
24 total amounts expended to cover such losses, pending liti-

1 gation, and estimated total cost to the government shall  
2 be submitted every 6 months until concluded.”.

3 (d) VESSEL WAR RISK INSURANCE—REPAYMENT  
4 FOR LOSSES TO THE TRANSPORTATION INSURANCE  
5 FUNDS.—Section 1205 of the Merchant Marine Act,  
6 1936, (46 App. U.S.C. 1285) is amended by adding at  
7 the end the following new subsection:

8 “(c)(1) The Secretary of Defense is authorized to  
9 transfer, from any funds available to the Department of  
10 Defense regardless of the purpose of the funds to be trans-  
11 ferred, such sums as are necessary to reimburse the Sec-  
12 retary of Transportation under the provisions of this title  
13 to pay for the loss or damage of a vessel, death or injury  
14 of personnel, and losses or damages caused by or associ-  
15 ated therewith, which have been insured as the request  
16 of the Secretary of Defense. Such transfer authority shall  
17 be in addition to any other statutory transfer authority  
18 and shall be made without regard to any dollar limitations  
19 contained therein. Such transfers will be merged with the  
20 amounts in the insurance fund created pursuant to section  
21 1208 of this title.

22 “(2) The Secretary of Defense shall promptly reim-  
23 burse the insurance fund created pursuant to section 1208  
24 of this title. Such reimbursements shall not be subject to  
25 the notification or delay requirements contained in other

1 statutes and shall be made not later than 90 days follow-  
2 ing the adjudication or settlement by the Secretary of  
3 Transportation of a claim for the loss or damage to a ves-  
4 sel, or the death or injury of personnel, or loss or damage  
5 associated therewith. Consolidation of claims is not re-  
6 quired.

7 “(3) The Secretary of Defense and the Secretary of  
8 Transportation shall provide Congress on a periodic basis  
9 a report of claims paid in amounts in excess of one million  
10 dollars which are insured by the Marine Insurance Fund  
11 pursuant to an indemnifying agreement between the Sec-  
12 retary of Defense and the Secretary of Transportation.  
13 Updates as to the total amounts expended to cover such  
14 losses, pending litigation, and estimated total cost to the  
15 government shall be submitted every 6 months until con-  
16 cluded.”.

17 **SEC. 14. AUTHORITY FOR ORDERING MEMBERS OF THE**  
18 **READY RESERVE TO ACTIVE DUTY OTHER**  
19 **THAN DURING WAR OR NATIONAL EMER-**  
20 **GENCY.**

21 (a) Section 10144 of title 10, United States Code,  
22 is amended—

23 (1) by inserting “(a)” at the beginning of the  
24 section, and

1           (2) by adding at the end the following new sub-  
2           section (b):

3           “(b) Within the Individual Ready Reserve of each re-  
4           serve component there is a category of reserve members,  
5           as determined by the Secretary concerned, who are subject  
6           to an order to active duty under the provisions of section  
7           12304 of this title. A member in this category may be  
8           subject to such an order to active duty under section  
9           12304 of this title only if the member volunteers for as-  
10          signment to the category and only for a period of up to  
11          24 months from the date of the individual’s separation  
12          from active service. The Secretary concerned shall des-  
13          ignate specific grades and military skills or specialties for  
14          eligibility for assignment to such Individual Ready Reserve  
15          mobilization category. An individual assigned to such Indi-  
16          vidual Ready Reserve mobilization category shall be eligi-  
17          ble, as determined by the Secretary of Defense, for bene-  
18          fits (except pay and training) as normally are available  
19          to members of the Selected Reserve.”.

20          (b) Section 12304 of such title 10 is amended—

21                 (1) in the catchline for such section by inserting  
22                 after “Selected Reserve” “and certain Individual  
23                 Ready Reserve members”;

24                 (2) in subsection (a), by inserting after “(as de-  
25                 fined in section 10143(a) of this title),” “or any

1 member of the Individual Ready Reserve (as defined  
 2 in section 10144(b) of this title and designated as  
 3 essential under regulations promulgated by the Sec-  
 4 retary concerned,”;

5 (3) in subsection (c), by inserting after “Se-  
 6 lected Reserve” “, which may include no more than  
 7 30,000 members of the Individual Ready Reserve (as  
 8 defined by section 10144(b)),”;

9 (4) in subsection (f), by inserting after “Se-  
 10 lected Reserve” “or Individual Ready Reserve”;

11 (5) in subsection (g), by inserting after “to  
 12 serve as a unit,” “, or a member of the Individual  
 13 Ready Reserve,”; and

14 (6) by amending the item in the table of sec-  
 15 tions for such chapter 1209 of title 10 that refers  
 16 to section 12304 by inserting after “Selected Re-  
 17 serve” “and certain Individual Ready Reserve mem-  
 18 bers”.

19 **SEC. 15. EXTENSION AND AMENDMENT OF**  
 20 **COUNTERPROLIFERATION AUTHORITIES.**

21 Section 1505 of the National Defense Authorization  
 22 Act for Fiscal Year 1993 (22 U.S.C. 5859a), as amended,  
 23 is amended—

24 (1) in paragraph (d)(3)—

1           (A) by striking “Department of Defense”  
2           and inserting in lieu thereof “On-Site Inspec-  
3           tion Agency”;

4           (B) by striking after “Fiscal Year 1995”  
5           “or”; and

6           (C) by inserting before the period at the  
7           end “, “\$15,000,000 for Fiscal Year 1997, or  
8           \$15,000,000 for Fiscal Year 1998”; and

9           (2) in subsection (f) by striking “1996” and in-  
10          serting in lieu thereof “1998”.

○